

NIL-0171  
(80006-0171)



PATENT APPLICATION



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Takao FUJINUMA

Application No.: 09/986,427 ✓

Filed: November 8, 2001

For: SHIFT MANIPULATING DEVICE FOR AN AUTOMATIC TRANSMISSION

Examiner: M. Burch

Art Unit: 3683

**Confirmation No. 5257**

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexander Virginia 22313-1450

**RECEIVED**

APR 29 2003

**GROUP 3600**

Sir:

In response to the Election of Species Requirement dated March 26, 2003, Applicants provisionally elect Species I, Figs. 1-10. It is respectfully submitted that claims 1-16 read on the elected species with claim 1 being generic to all species. The foregoing election is made with traverse.

It is respectfully submitted that the only difference between the species of Figs. 1-10 and the species of Fig. 11 is the construction of the select position switch. The claimed invention is directed to a shift manipulating device. Figs. 6 and 11 are diagrammatic views showing states in which a select position switch and a parking gate switch are opened and closed. Fig. 6 specifically refers to a select position switch comprising magnets and magnetism sensing elements as discussed in the specification, for example, on page 22, lines 6-10 while Fig. 11 refers to a select position switch comprising micro switches and stationary contacts as discussed in the specification on page 27, lines 7-17.

Furthermore, it is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search or the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire

application could be made without serious burden. See MPEP 803 which is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims that are distinct or independent inventions" (emphasis added).

It is respectfully submitted that this policy should apply to the present application in order to avoid unnecessary delay and expense to Applicants and the duplicative examination by the Patent Office.

Date: April 28, 2003

Respectfully submitted,

By:

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